

One frequently heard argument for the House moratorium of 1 year is the need to establish new procedures for development and review of major regulations. What we need, the reason we have to have this year's waiver, is we need some new approaches. We have to have a cost-benefit analysis and risk assessment. But most major rules already use those tools. There are many regulations that are necessary to protect health, safety, and the environment that have been designed by using cost-benefit analyses and risk assessments. These would be needlessly delayed by the moratorium.

For example, in February, the U.S. Department of Agriculture proposed changes to meat and poultry inspections to prevent life-threatening infections. The science supporting that regulation is not going to be different between now and next year. They are already using risk assessment and cost-benefit analyses. Yet, that rule would be set aside. There is a possibility of more lives being endangered in the interim.

Those on the other side supporting the House measure would say, "Oh, well. Those foods currently represent an imminent threat to health, and the President could, therefore, exempt them from the delay." But that action by the President of the United States could be challenged in court and in the House bill. There is judicial review in the House bill. Thus, they could be held up for a considerable time.

Another major concern with the House bill that has not been discussed here on the floor is the impact of the moratorium on the efforts by the States to carry out the Clean Air Act and other laws. Let me explain. The way the Clean Air Act works is State plans to reduce smog and carbon monoxide pollution must be promulgated as Federal regulations before they become effective. In other words, the State comes up with a plan, files a plan, and the EPA then issues the regulations. But it is the Federal Government that issues the regulations. EPA actually proposes the State plan in the Federal Register.

What the EPA does is take what the States have given them, puts it in the Federal Register, considers comments and then promulgates the State plan as a Federal rule. States have been working for 4 years to develop new plans under the 1990 amendments to the Clean Air Act. Just as they are completing this difficult job, the House bill would impose a year-long recess on their efforts. These are plans, mind you, that are written by the States, and they are going to be delayed.

Now, what is the purpose of all that? The House moratorium is also retroactive. It repeals regulations already in effect only to reinstate them at a later time, a year from now. This is going to cause a lot of confusion in the regulated community and actually can impose some very unfair costs on some industries.

Example: Under the moratorium bill passed by the House, the Clean Air Act program for reformulated gasolines that became effective last January 1 would be suspended, which would cost the oil companies that are complying with this rule tens of millions of dollars as noncomplying gasoline, nonreformulated gasoline would be allowed to enter into the reformulated market areas. Now, perhaps this will surprise some.

By the way, this is not some kookie regulation dreamed up by a bunch of tree huggers from EPA. Reformulated gasoline is a requirement of the Clean Air Act that was added to the law by an amendment on the floor sponsored by the two leaders, the current Democratic and current Republican leader; namely, Senators DOLE and DASCHLE. That came when the Clean Air Act amendments were before the Senate in 1990. The regulation went into effect last January 1. But that is during the period covered by the House moratorium. So the requirement would be suspended.

The oil companies subject to the regulation have built up stocks of millions of gallons of reformulated gasoline to meet the demand in their markets. Information from the Congressional Research Service indicates the oil industry now has 1.85 billion—that is not million, that is billion, B as in billion—gallons of reformulated gasoline in storage right now.

If the House moratorium bill should be enacted, the reformulated gasoline requirement would be suspended and cheaper conventional gasoline could be brought into those markets. The oil companies that are complying with the law could probably still sell their reformulated gasoline. Sure, they could sell it, but they would have to obviously do it at the price of conventional gasoline, which is some 3 cents a gallon less expensive because of the costs that have gone into making the reformulated gasoline. So that will be a loss of about \$55 million—\$55 million—if the House moratorium were enacted.

Mr. President, my vote on the final bill will, of course, depend upon the amendments that might be offered and adopted during the course of this debate. But I did want to join with others to express my grave concerns about the House moratorium bill. Should I vote for this bill later this week, I would oppose any report that came back from the conference with a regulatory moratorium, that is, a year, 6 months, something to that effect, which is quite different from the 45-day delay that is in this legislation here before us.

I thank the Chair.

Mr. NICKLES. Mr. President, I know of no other Senators who wish to speak on this issue. So I will yield back the remainder of our time.

MORNING BUSINESS

IS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, the impression simply will not go away; the enormous Federal debt greatly resembles the energizer bunny on television. The Federal debt keeps going and going and going—always at the expense, of course, of the American taxpayers.

A lot of politicians talk a good game, when they go home to campaign about bringing Federal deficits and the Federal debt under control. But so many of these same politicians regularly voted for one bloated spending bill after another during the 103d Congress, which could have been a primary factor in the new configuration of U.S. Senators as a result of last November's elections.

In any event, Mr. President, as of Friday, March 24, at the close of business, the total Federal debt stood—down to the penny—at exactly \$4,846,988,457,046.59 or \$18,399.25 per person.

The lawyers have a Latin expression which they use frequently—"res ipra loquitur"—"the thing speaks for itself." Indeed it does.

TRIBUTE TO GOVERNOR MIKE O'CALLAGHAN

Mr. REID. Mr. President, today, I rise as a matter of personal privilege to share with the Senate a Nevadan whose life is a role model for all Americans. This man, Mike O'Callaghan, has not only had an impact on me personally, but also the State of Nevada, our country, and many parts of the world. Mike O'Callaghan is a man of unbridled energy who has had an enviable and remarkable career as a war hero, an educator, a public servant, a distinguished State Governor, a newspaper editor and publisher, and a citizen of the world.

I first met Mike O'Callaghan in 1956 when he began teaching U.S. Government classes at Basic High School in Henderson, NV. He had been decorated as a marine in the Korean conflict and was awarded 2 Purple Hearts, a Bronze Star with valor, and a Silver Star for heroism. Unfortunately, he had also lost a leg in battle, but he never used that injury as an excuse.

I learned a lot about government from Mr. O'Callaghan, but I learned more about life. He was my boxing coach, my adviser, my mentor, and my friend. And he was largely responsible for helping me obtain scholarships and personally assisting me with money to go to college.

This was not unusual, for Mr. O'Callaghan took an active interest in all of his students and pushed all of them to do their best. We stood in awe of him, we feared him, and we deeply respected him, and all of us students were better because of him.

While I was away in college and law school, Mike continued working for